



# Toxics Cleanup Program Policy

## *Policy 310A*

*Resource Contact:* Policy and Technical Support Staff *Effective:* January 5, 1993

*References:* *Revised:* August 4, 2004

## **Policy 310A Initial Investigations**

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The Model Toxics Control Act (MTCA), chapter 70.105D RCW, requires the Department of Ecology (Ecology) to initiate the investigation of a hazardous waste site after Ecology receives information that the site may pose a threat to human health or the environment. The purpose of the initial investigation is to determine whether a release or threatened release of a hazardous substance may have occurred that warrants further action under MTCA. The initial investigation also provides the initial investigator with an opportunity to encourage cleanup of easily remediated releases.

This policy provides guidance regarding the initial investigation process set forth in WAC 173-340-310, including guidance regarding the following:

- Whether an initial investigation is required;
- Whether another agency or a consultant may conduct the initial investigation;
- What tasks must be completed as part of the initial investigation;
- What decision must be made based on the initial investigation;
- Who must make that decision;
- Who must be notified of the decision; and
- How the site will be tracked.

As part of the initial investigation, the investigator must also begin the process of identifying potentially liable persons (PLPs). For guidance regarding the identification of PLPs, see POL 500B, Identification of Potentially Liable Persons.

### **1. Ecology Must Determine Whether an Initial Investigation is Required**

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Pursuant to WAC 173-340-310(2), whenever Ecology receives a release report or combined release and action report, Ecology must evaluate the report to determine whether an initial investigation is required. An initial investigation is required whenever Ecology believes that all of the following apply to the situation:

- A. There may be a release or threatened release to the environment;
- B. The release or threatened release is of a hazardous substance; and
- C. The release or threatened release may pose a threat to human health or the environment.

When determining whether an initial investigation is required, Ecology must consider each site on its own merits. In other words, Ecology must not lump the site together with adjacent sites and consider the cumulative threat posed by the sites.

If Ecology determines that an initial investigation is required, Ecology must complete the investigation within ninety (90) calendar days of receiving the release report.

Typically, release reports and combined release and action reports are processed by the Regional Environmental Response Tracking System (ERTS) coordinator and referred to the Toxics Cleanup Program (TCP) for evaluation.

## **2. Certain Releases Do Not Require an Initial Investigation**

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Pursuant to WAC 173-340-310(3), even if Ecology determines that an initial investigation is warranted because it believes there may be a release or threatened release of hazardous substances that may pose a threat to human health or the environment, Ecology does not need to conduct an initial investigation if:

- A. The circumstances associated with the release or threatened release are known to Ecology and have previously been or are currently being evaluated by Ecology or another appropriate government agency. Some examples;
  - Home heating oil tank releases that are being addressed by the Pollution Liability Insurance Agency (PLIA). It is expected that PLIA will address all home heating oil tank releases unless groundwater or surface water is impacted from the release, adjacent properties are impacted from the release, contamination is pooling on the ground surface, or heating oil is causing fume problems in buildings.
  - Drug labs that are being addressed by the Spill Response Program and/or local health districts/enforcement agencies;
  - Sites where a cleanup has been conducted and a report has been submitted to Ecology for review under the Voluntary Cleanup Program. In these cases the elements of an initial investigation described in paragraph 5, below, should be incorporated into the review.
- B. The release is governed by a permit and meets the conditions of the permit; or
- C. The release is exempt from reporting under WAC 173-340-300(3) (see POL 300, Site Discovery – Reporting Releases).

In these instances, Ecology may, but is not obliged to, conduct an initial investigation in response to the release report.

## **3. Ecology May Rely on Others to Conduct an Initial Investigation**

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Pursuant to WAC 173-340-310(4), Ecology may rely on another government agency or a

consultant under contract with Ecology to conduct an initial investigation on its behalf, provided:

- A. The agency or consultant is not suspected of having contributed to the release or threatened release;
- B. The agency or consultant has no other conflict of interest; and
- C. The agency or consultant provides Ecology with all information required to evaluate the release.

Although Ecology may rely on another government agency or a consultant under contract with Ecology to conduct an initial investigation, Ecology is responsible for making the decision regarding further action based on that investigation. See Section 7 of this policy.

#### **4. Investigator Must Complete Training Prior to Conducting Initial Investigation**

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TCP staff who conduct initial investigations must complete all required training specified in the TCP Safety Plan prior to conducting an initial investigation. Completion of a risk assessment course is recommended prior to conducting unsupervised initial investigations.

#### **5. Investigator Must Complete Specified Tasks During Initial Investigations**

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As part of the initial investigation, the investigator must:

- A. Complete an Initial Investigation Site Visit Health and Safety Checklist (Attachment A);

The investigator must complete the checklist prior to any on-site inspection activity or entry into contaminated or potentially contaminated areas.

- B. Conduct a site visit;

A site visit may or may not include site entry. The site investigator must not enter the site or work in the vicinity of a hazard if the investigator is not adequately protected and trained (see also Section 4 of this policy). The investigator must notify the owner or operator prior to entering property if the owner or operator is known, or can readily be identified by the investigator (see also POL 800, Property Access).

- C. Complete an Initial Investigation Field Report (Attachment B); and

The investigator must complete the report form after conducting the investigation, including the site visit. As part of the report, the investigator must make a recommendation regarding what, if any, further action is required at the site.

- D. Identify potentially liable persons (PLPs).

The investigator must identify the current or most recent owner or operator of the site during the investigation. The investigator should also identify any other easily identifiable PLPs. For guidance regarding the identification of PLPs, see POL 500B, Identification of Potentially Liable Persons.

## **6. Investigator May Conduct Limited Sampling During Initial Investigation**

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The investigator may conduct limited sampling during the initial investigation for one or more of the following reasons:

- A. To determine whether action under MTCA is required or whether action under another authority is appropriate;
- B. To determine whether an interim or emergency action is required under MTCA;
- C. To identify the source of the hazardous substance; or
- D. To avoid a lost opportunity if sampling is delayed.

If sampling is conducted, the sampling results should be entered into Ecology's Environmental Information Management (EIM) database.

## **7. Ecology Must Make a Decision Regarding Further Action Within 30 Days of the Completion of the Initial Investigation**

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Pursuant to WAC 173-340-310(5), Ecology must make a decision regarding further action within thirty (30) calendar days of the completion of the initial investigation. Although Ecology may rely on another government agency or a consultant under contract with Ecology to conduct an initial investigation and make a recommendation regarding further action (see Section 3 of this policy), Ecology is still responsible for making the decision regarding what, if any, further action is required at the site. The final decision will be made by the TCP Regional Section Manager or designee.

Ecology's decision must be based on the information contained in Ecology's site file, which must include the required initial investigation forms (Attachments A and B) and any other information known to Ecology regarding the site.

Based on that information, Ecology must make one or more of the following determinations:

- A. A site hazard assessment is required; i.e., the site is listed on the Confirmed or Suspected Contaminated Sites Report;
- B. An emergency action is required;

- C. An interim action is required; or
- D. No further action is required at the site under MTCA because either:
  - i. There has been no release or threatened release of hazardous substances;
  - ii. There has been a release or threatened release of hazardous substances, but Ecology has determined that the release does not pose a threat to human health or the environment; or
  - iii. There has been a release or threatened release of hazardous substances that Ecology has determined poses a threat to human health or the environment, but Ecology has determined that action under another authority is appropriate.

Ecology's decision regarding the need for and type of action based on the initial investigation does not preclude it from requiring some other action in the future based on a reevaluation of the site or additional information.

If Ecology determines that no further action is required under MTCA, staff should consider whether it is necessary to send the owner/operator an educational mailing discussing ways to prevent releases.

#### **8. For Sites with Easily Remediated Releases, Staff Conducting the Initial Investigation should Encourage the Site Owner/Operator to Clean Up the Site to Avoid Listing of the Property on Ecology's Contaminated Sites Database.**

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Sometimes during the conduct of the initial investigation it is apparent that the release could be easily remediated. In these situations, the investigator should encourage willing owners/operators to clean up the contamination to avoid listing of the property on Ecology's contaminated sites database. One tool staff can use to accomplish this is to postpone listing the site while providing technical assistance for the cleanup. If the cleanup is accomplished in a timely manner, the initial further action decision can be withdrawn and a no further action decision rendered.

#### **9. For Sites Requiring an Emergency or Interim Remedial Action, Notification of Persons Located Within the Potentially Affected Vicinity May be Required**

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Pursuant to WAC 173-340-310(6)(a), if Ecology determines, based on the initial investigation, that an emergency or interim remedial action is required to address the threat to human health or the environment posed by the release or threatened release of hazardous substances, Ecology may require that those persons located within the potentially affected vicinity be notified of that threat. The method and nature of the notification must be determined on a case-specific basis using the methods specified in WAC 173-340-600. Ecology may require the owner or operator of the facility to provide such notification, provided the request is made in writing.

## **10. For Sites Requiring Further Action, Ecology Must Notify Potentially Liable Persons**

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Pursuant to WAC 173-340-310(6)(b), whenever Ecology determines that further action under MTCA is required at a site based on the initial investigation, Ecology must provide written notification of its determination to the owner, operator, and any potentially liable persons known to Ecology. Such notification must occur before the site is entered on the program's ISIS database.

The written notification (commonly referred to as the "early notice letter") must include:

- A. The basis for Ecology's decision;
- B. Information regarding the cleanup process provided for in chapter 173-340 WAC;
- C. A statement that it is Ecology's policy to work cooperatively with persons to accomplish prompt and effective cleanups;
- D. A person or office of Ecology to contact regarding the contents of the letter; and
- E. A statement that the letter is not a determination of liability and that cooperating with Ecology in planning or conducting a remedial action is not an admission of guilt or liability.

If potentially liable persons have already been identified, the written notification may be combined with the determination of status letter in WAC 173-340-500.

## **11. For Sites Requiring Further Action, Ecology Will Track the Site on the ISIS Database**

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Whenever Ecology determines that further action under MTCA is required at a site based on the initial investigation, Ecology will enter the site on the TCP's Integrated Site Information System (ISIS) database. The site will be reported on the Confirmed and Suspected Contaminated Sites (CSCS) List.

The decision regarding the site, along with appropriate site information, should be submitted to the Regional ISIS Coordinator for entry on the ISIS database.

The decision regarding the site should also be submitted to the Regional Environmental Response Tracking System (ERTS) Coordinator for entry on the agency's ERTS.

## **12. For Sites Requiring No Further Action, Ecology Must Notify the Owner or Operator, if Requested**

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Pursuant to WAC 173-340-310(6)(c), if Ecology determines, based on the initial investigation, that no further action under MTCA is required at a site, then Ecology must provide written notification to the owner or operator of its determination, provided the

owner or operator requested such notification. The notification must be in writing and can be a copy of a page of the ERTS sheet showing Ecology's determination.

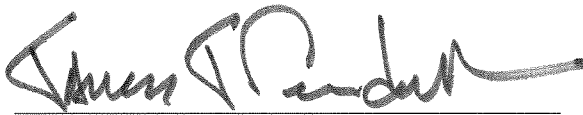
**13. For Sites Requiring No Further Action, Ecology Will Not Track The Site On The ISIS Database**

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If Ecology determines, based on the initial investigation, that no further action under MTCA is required at a site, then Ecology will not enter the site on the TCP's Integrated Site Information System (ISIS) database, and the site will not be reported on the Confirmed and Suspected Contaminated Sites (CSCS) List.

However, the determination regarding the site must still be submitted to the Regional ERTS Coordinator for entry on the agency's Environmental Response Tracking System (ERTS).

*Approved:*



James J. Pendowski, Program Manager  
Toxics Cleanup Program



## INITIAL INVESTIGATION SITE VISIT SAFETY AND HEALTH CHECKLIST

I. SITE LOCATION INFORMATION	ERTS Number	Date of Investigation
	Arrival Time	First Visit Yes <input type="checkbox"/> No <input type="checkbox"/>
Site Name		
Site Location		
Closest City	County	

### II. PURPOSE OF SITE VISIT/ACTIVITY

### III. SAMPLING

Site Inspection	Yes <input type="checkbox"/> No <input type="checkbox"/>	Ground Water	Yes <input type="checkbox"/> No <input type="checkbox"/>	Air	Yes <input type="checkbox"/> No <input type="checkbox"/>
Site Evaluation	Yes <input type="checkbox"/> No <input type="checkbox"/>	Surface Water	Yes <input type="checkbox"/> No <input type="checkbox"/>	Drums	Yes <input type="checkbox"/> No <input type="checkbox"/>
Well Drilling	Yes <input type="checkbox"/> No <input type="checkbox"/>	Soil	Yes <input type="checkbox"/> No <input type="checkbox"/>	Other	Yes <input type="checkbox"/> No <input type="checkbox"/>

### IV. EMERGENCY CONTACTS

Police	Nearest Hospital/Emergency Facility Name _____ Address _____ Phone _____
Fire Department	
Ecology	

### V. PHYSICAL HAZARDS

Unstable stacks/piles	<input type="checkbox"/>	Noise/source	<input type="checkbox"/>	Temperature	<input type="checkbox"/>
Confined spaces	<input type="checkbox"/>	Electrical	<input type="checkbox"/>	Slippery/tripping	<input type="checkbox"/>
Construction/machinery	<input type="checkbox"/>	Pits/trenches	<input type="checkbox"/>	Radioactive materials	<input type="checkbox"/>
Weather	<input type="checkbox"/>	Steep slopes	<input type="checkbox"/>		
Overhead	<input type="checkbox"/>	Traffic	<input type="checkbox"/>		
Other (explain) _____					

### VI. CHEMICAL HAZARDS

Solvents (volatile)	<input type="checkbox"/>	Explosives	<input type="checkbox"/>	Flammable	<input type="checkbox"/>
Oxidizers	<input type="checkbox"/>	Corrosives	<input type="checkbox"/>	Carcinogens	<input type="checkbox"/>
Dusts	<input type="checkbox"/>	Pesticides	<input type="checkbox"/>		
Gases, vapors	<input type="checkbox"/>	Metals	<input type="checkbox"/>		
Other (explain) _____					
Infectious agents _____					



## VII. INSTRUMENTATION

<b>Survey Equipment:</b>	
A. CGI – Multimeter (O2, LEL, H2S, CO): #	Calibration date
B. TIP (PID): #	Calibration date
C. OVA (FID): #	Calibration date
D. RAM 1 (particulate): #	Calibration date
E. Sensidyne tubes (specify type):	F. Radiation Meter: #
G. Other (explain):	

<b>Action Levels:</b>				
	Suspected Contaminant	Instrument Type	Action Level	Sample Numbers
1.				
2.				
3.				
4.				
5.				
6.				
<b>Note: Survey results may be included on the site map.</b>				

## VIII. REQUIRED PERSONAL PROTECTIVE EQUIPMENT

Level of Protection	Level B <input type="checkbox"/>	Level C <input type="checkbox"/>	Level D <input type="checkbox"/>
Comments _____			
Body	Head	Hands	Footwear
Tyvec <input type="checkbox"/>	Hardhat <input type="checkbox"/>	Gloves <input type="checkbox"/>	Workshoes <input type="checkbox"/>
Keppler <input type="checkbox"/>	Goggles <input type="checkbox"/>	Outer <input type="checkbox"/>	CPC Boots <input type="checkbox"/>
Saranex <input type="checkbox"/>	Earplugs <input type="checkbox"/>	Inner <input type="checkbox"/>	Booties <input type="checkbox"/>
Raigear <input type="checkbox"/>	Faceshield <input type="checkbox"/>	Specify Type _____	Steel-toes shoes <input type="checkbox"/>
Overalls <input type="checkbox"/>	Safety glasses <input type="checkbox"/>	_____	Waders <input type="checkbox"/>
Other _____	Ear muffs <input type="checkbox"/>	—	Insulated liners <input type="checkbox"/>
_____	Hood <input type="checkbox"/>	_____	
_____	Respirator <input type="checkbox"/>	—	
Respiratory Protection	Level 8* <input type="checkbox"/>	Level C* <input type="checkbox"/>	Level D <input type="checkbox"/>
Comments _____			
<p>* Level B use shall require TCP staff to obtain the services of Level B trained personnel.</p> <p>** ELSA - Supplied air to be used as backup for escape only.</p>			
Full face w/new cartridge <input type="checkbox"/>		Half face w/new cartridge <input type="checkbox"/>	

**VIII. REQUIRED PERSONAL PROTECTIVE EQUIPMENT (continued)**

**Miscellaneous Equipment:**

Drinking Water	<input type="checkbox"/>	Radio	<input type="checkbox"/>	Binoculars	<input type="checkbox"/>
Eye wash	<input type="checkbox"/>	Electrolyte drink	<input type="checkbox"/>	Flashlight	<input type="checkbox"/>
Camera	<input type="checkbox"/>	Fire extinguisher	<input type="checkbox"/>		
Other (explain) _____					

**IX. POTENTIAL EXPOSURE**

Total time on site: \_\_\_\_\_ hours and \_\_\_\_\_ minutes

Known chemical exposure: \_\_\_\_\_

Protected? ☐                      Unprotected? ☐

**X. SAFETY RECOMMENDATIONS/CAUTIONS FOR FUTURE VISITS TO THIS SITE**


**XI. TEAM MEMBERS**


Checklist completed by (please print)

Signature

Date

Time



## INITIAL INVESTIGATION FIELD REPORT

ERTS Number

SITE NAME

### SITE LOCATION INFORMATION

Contact Person Name	Title	Phone No.
Mailing Address	City	Zip + 4
Site Location	Closest City	County
Quarter-Quarter _____	Section _____	Township _____
Range _____	Longitude: Degree _____	Minute _____
Second _____	Latitude: Degree _____	Minute _____
Second _____		

### INSPECTION INFORMATION

Inspection Date	Inspection Time	Type of Entry Notice
Photographs	Yes <input type="checkbox"/> No <input type="checkbox"/>	Weather: Clear <input type="checkbox"/> Partly Cloudy <input type="checkbox"/> Overcast <input type="checkbox"/>
Videotape	Yes <input type="checkbox"/> No <input type="checkbox"/>	Precipitation _____ Temperature _____
Samples	Yes <input type="checkbox"/> No <input type="checkbox"/>	Wind Direction _____ Wind Speed _____

### RECOMMENDATION

No Further Action:	
Release or threatened release does not pose a threat <input type="checkbox"/>	Site Hazard Assessment <input type="checkbox"/>
No release or threatened release <input type="checkbox"/>	Interim Action <input type="checkbox"/>
Educational mailing <input type="checkbox"/>	Emergency Action <input type="checkbox"/>
Refer to another program/agency <input type="checkbox"/>	Independent Cleanup Action <input type="checkbox"/>
	In Progress <input type="checkbox"/>
	Completed <input type="checkbox"/>
Name _____	
Comments _____	

### DEPARTMENT REVIEW

Investigator _____	Date _____
Approved by:	
Unit Supervisor: _____	Date _____
Section Manager: _____	Date _____

## OBSERVATIONS

Description of observations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Description of past practices likely to be responsible for contamination: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Activities or practices responsible for contamination:

Spill	<input type="checkbox"/>	LUST	<input type="checkbox"/>
Pesticide disposal	<input type="checkbox"/>	Tank	<input type="checkbox"/>
Landfill	<input type="checkbox"/>	Improper handling	<input type="checkbox"/>
Drums	<input type="checkbox"/>	Improper disposal	
Other – Describe _____			

Are discharges permitted:	No	<input type="checkbox"/> Yes	<input type="checkbox"/>	Standard Industrial Code(s)
If yes, describe _____				

## CONTAMINANT(S)

AFFECTED MEDIA	CONTAMINANTS (#1-16: See contaminants key) Enter letter designating status of contaminant: AFF C = Confirmed, S = Suspected, P = Potential, R = Remediated, U = Unknown															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Ground Water																
Surface Water																
Drinking water																
Soil																
Sediment																
Air																

1 Halogenated organic compounds	7 Phenolic compounds	13 Radioactive wastes
2 Metals - Priority pollutants	8 Non-halogenated solvents	14 Conventional contaminants, organic
3 Metals - Other	9 Dioxin	15 Conventional contaminants, inorganic
4 Polychlorinated biPhenyls (PCBs)	10 Polynuclear aromatic hydrocarbons	16 Base/neutral organics
5 Pesticides	11 Reactive wastes	
6 Petroleum products	12 Corrosive wastes	

## SITE INFORMATION

Soil Type	Slope										
<p>Site vegetation/cover present:</p> <table style="width: 100%;"> <tr> <td style="width: 50%;">Forest <input type="checkbox"/></td> <td style="width: 50%;">Pasture/open field <input type="checkbox"/></td> </tr> <tr> <td>Bare soil <input type="checkbox"/></td> <td>Wetlands <input type="checkbox"/></td> </tr> <tr> <td>Brush <input type="checkbox"/></td> <td>Pavement <input type="checkbox"/></td> </tr> <tr> <td>Landscaped <input type="checkbox"/></td> <td>Surface water <input type="checkbox"/></td> </tr> <tr> <td colspan="2">Other - Describe _____</td> </tr> </table>		Forest <input type="checkbox"/>	Pasture/open field <input type="checkbox"/>	Bare soil <input type="checkbox"/>	Wetlands <input type="checkbox"/>	Brush <input type="checkbox"/>	Pavement <input type="checkbox"/>	Landscaped <input type="checkbox"/>	Surface water <input type="checkbox"/>	Other - Describe _____	
Forest <input type="checkbox"/>	Pasture/open field <input type="checkbox"/>										
Bare soil <input type="checkbox"/>	Wetlands <input type="checkbox"/>										
Brush <input type="checkbox"/>	Pavement <input type="checkbox"/>										
Landscaped <input type="checkbox"/>	Surface water <input type="checkbox"/>										
Other - Describe _____											
<p>Are there any drinking water systems affected?</p> <p>_____</p> <p>Municipal, private, or both? (Circle one) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How many people are estimated to be affected? _____</p>											
<p>Is there a potential for a release or threatened release to affect a drinking water source? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>											
<p>Are there monitoring wells in the vicinity? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>											
<p>Are there dry wells in the vicinity? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>											

## CONTAMINANT PATHWAYS AND TARGETS

	Ingestion	Inhalation	Contact
Ground Water			
Surface Water			
Drinking Water			
Soil			
Sediment			
Air			

Targets possible:

Human, adult <input type="checkbox"/>	Residential <input type="checkbox"/>
Human, children <input type="checkbox"/>	Industrial <input type="checkbox"/>
	Commercial <input type="checkbox"/>

Sensitive environments (See WARM Scoring Manual for definition): ☐ Yes ☐ No

If yes, describe \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

General Comments \_\_\_\_\_

\_\_\_\_\_

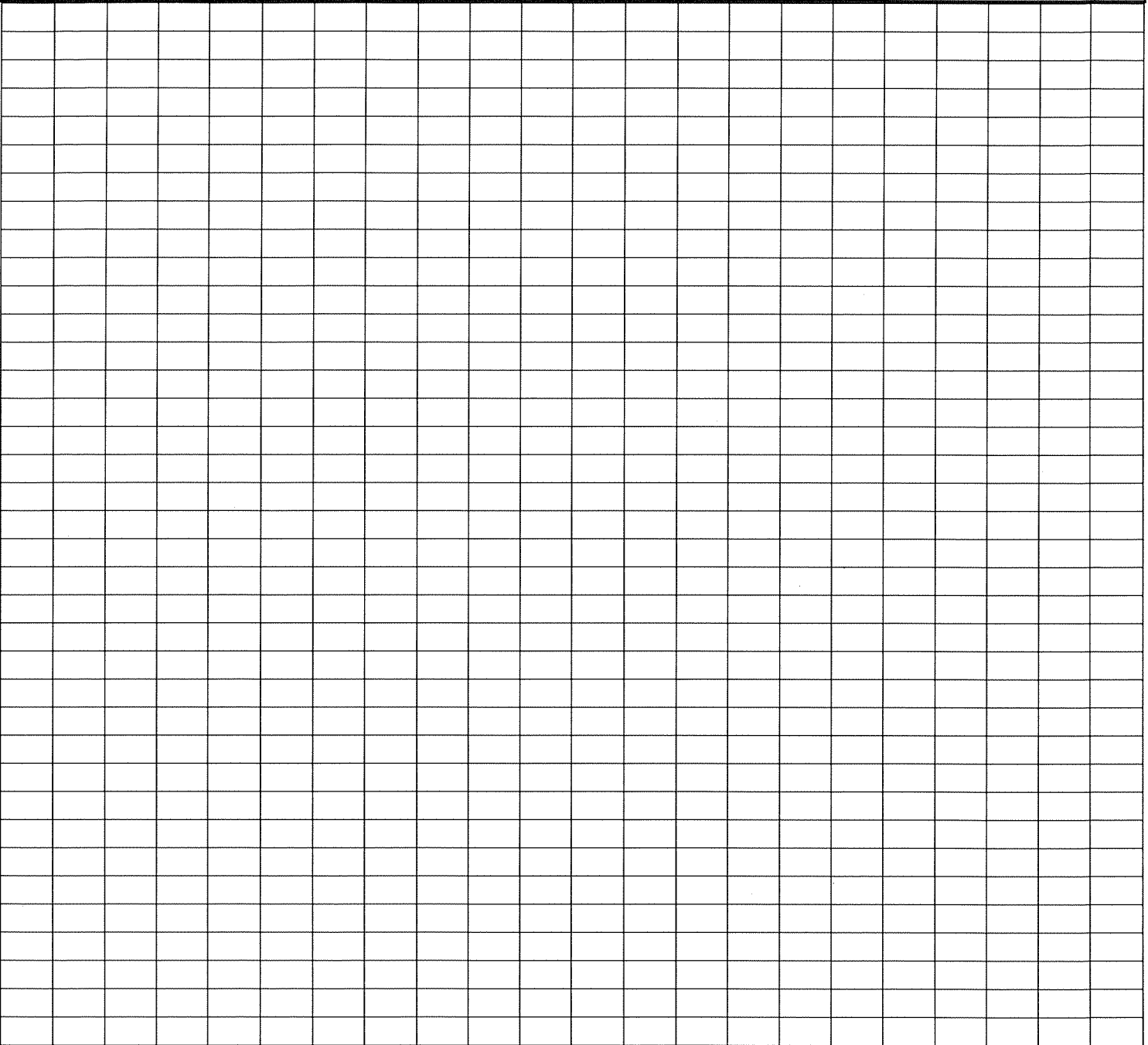
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\_\_\_\_\_

\_\_\_\_\_

SITE MAP/DIAGRAM

Site Name																			
																			
↑ North					Approximate scale: _____ inch = _____ feet														
ERTS Number										County									
Inspector															Date				